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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,701	02/04/2004	Craig A. Finseth	PD-990198A	3796

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Attention: Victor G. Cooper
Gates & Cooper LLP
Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, CA 90045

EXAMINER

INGVOLDSTAD, BENNETT

ART UNIT	PAPER NUMBER
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4178

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01/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/771,701

Applicant(s)

FINSETH ET AL.

Examiner

Bennett Ingvaldstad

Art Unit

4178

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-72 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 30-72 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date 10/01/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thornton*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 30, 40, 51, and 62 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 9, 11, 12, and 13 of U.S. Patent No. 6742184. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Application claim 30 and patent claim 9 are both drawn to the same invention, an electronic program guide for providing information regarding broadcast media programs. Patent claim 9 anticipates Application claim 30.

Although the conflicting claims are not identical, they are not patentably distinct because the claims of the Application and the Patent are almost the same in scope, although Patent claim 9 contains limitations not present in Application claim 30. It would have been obvious to one of ordinary skill in the art to omit the limitations disclosed in Patent claim 9 that are not present in Application claim 30, thus obtaining Application claim 30.

Allowance of application claim 30 would result in an unjustified time-wise extension of the monopoly granted for the invention defined by Patent claim 9. Therefore, obviousness-type double patenting is appropriate.

Application claim 40 and Patent claim 11 are both drawn to the same invention, an electronic program guide receiving system that receives and generates a display of television content and program guide data. Patent claim 11 anticipates Application claim 40.

Although the conflicting claims are not identical, they are not patentably distinct because the claims of the Application and the Patent are almost the same in scope, although Patent claim 11 contains limitations not present in Application claim 40. It would have been obvious to one of ordinary skill in the art to omit the limitations disclosed in Patent claim 11 that are not present in Application claim 40, thus obtaining Application claim 40.

Allowance of application claim 40 would result in an unjustified time-wise extension of the monopoly granted for the invention defined by Patent claim 11. Therefore, obviousness-type double patenting is appropriate.

Application claim 51 and Patent claim 12 are both drawn to the same invention, a method of receiving electronic program guide data and television content. Patent claim 12 anticipates Application claim 51.

Although the conflicting claims are not identical, they are not patentably distinct because the claims of the Application and the Patent are almost the same in scope, although Patent claim 12 contains limitations not present in Application claim 51. It would have been obvious to one of ordinary skill in the art to omit the limitations disclosed in Patent claim 12 that are not present in Application claim 51, thus obtaining Application claim 51.

Allowance of application claim 51 would result in an unjustified time-wise extension of the monopoly granted for the invention defined by Patent claim 12. Therefore, obviousness-type double patenting is appropriate.

Application claim 62 and Patent claim 13 are both drawn to the same invention, a system for transmitting and receiving electronic program guide data and television audio and video signals. Patent claim 13 anticipates Application claim 62.

Although the conflicting claims are not identical, they are not patentably distinct because the claims of the Application and the Patent are almost the same in scope, although Patent claim 13 contains limitations not present in Application claim 62. It would have been obvious to one of ordinary skill in the art to omit the limitations disclosed in Patent claim 13 that are not present in Application claim 62, thus obtaining Application claim 62.

Allowance of application claim 62 would result in an unjustified time-wise extension of the monopoly granted for the invention defined by Patent claim 13. Therefore, obviousness-type double patenting is appropriate.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Objections

3. Claims 30, 48-49, 59-60, 62, 70-71 are objected to because of the following informalities:

Claim 30: "the selection indicator movable within the calendar image for selecting one of the plurality of dates on the calendar image and wherein the selection

indicator movable within the calendar image for selecting one of the plurality of dates on the calendar image" is redundant.

Claim 62, last line: "resenting media programs" should be changed to -- representing media programs--.

Claims 48-49, 59-60, 70-71: "the program indicators" lack antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 30-31, 33-35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (US 2004/0216160) in view of Chelius (US 4720123).

Regarding claim 30, Lemmons discloses an electronic program guide for providing information regarding broadcast media programs comprising:

- a listing of media program representations that represent a first set of media programs (e.g. [Fig 6])

- a calendar image (calendar 302 [Fig 8]) separate from the listing of media program representations (on a separate screen [Fig 6][Fig 8]), the calendar image including a plurality of dates ([Fig 8])
- wherein the calendar image includes a selection indicator, the selection indicator movable within the calendar image for selecting one of the plurality of dates on the calendar image (selection cursor is moveable to select dates [0092]) and wherein the selection indicator movable within the calendar image for selecting one of the plurality of dates on the calendar image (selection cursor is moveable to select dates [0092])

Lemmons does not further disclose:

- a plurality of program indicators, each program indicator being overlaid on one or more of the plurality of dates, thereby providing an indication of the dates on which the first set of media programs will be broadcast

Chelius discloses a calendar containing a plurality of indicators that "provide an indication of the dates" associated with a listings (highlight 58 which indicates a date from listings section 56 [Fig 3]. Only one indicator is shown but the section heading "Extremely Important Dates" implies that multiple dates may be listed and indicated)

One of ordinary skill in the art would have been able to modify Lemmon's calendar to provide listings indicators as taught by Chelius' calendar for the purpose of indicating dates contained in a listings, thus allowing a user to easily correlate a listing date with a particular date on a calendar image.

Regarding claim 31, depending on claim 30, Lemmons further discloses:

- wherein the calendar image includes dates for an entire month ([Fig 8])

Regarding claim 33, depending on claim 30, Lemmons further discloses:

- a time region separate from and adjacent to the calendar image (time region 304 [Fig 8]), the time region including therein a representation of a time of day that changes as the selection indicator is moved upward and downward within a particular date on the calendar image (the up and down button is used to move between the time regions [0095])

Regarding claim 34, depending on claim 30, Lemmons further discloses:

- further comprising a title region separate from and adjacent to the calendar image, the title region including therein a title or categorical description of the listing of media program representations (categories e.g. "Morning" "Mid-Day" etc [Fig 8] are categories of listings [0094]), the title or categorical description changing when the selection indicator is moved from the current date and time within the calendar image (moving the current time changes the time category [0095])

Regarding claim 35, depending on claim 30, Lemmons further discloses:

- a data range indicator that provides an indication on the calendar image of the dates for which program guide information is available (heavy borders indicate a memory contains program schedule information for that day [0091])

Regarding claim 37, depending on claim 30, Lemmons in view of Chelius does not further disclose:

- wherein the calendar image is expandable by user command

Official Notice is taken that the method of resizing images by user command for a graphical user interface was well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art to make an image such as the calendar image of Lemmons in view of Chelius resizable and thus expandable for the purpose of providing to the user the ability to resize or expand an image as needed.

6. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (US 2004/0216160) in view of Chelius (US 4720123), further in view of Moon (US 6064975).

Regarding claim 32, depending on claim 30, Lemmons in view of Chelius does not further disclose:

- a date region separate from and adjacent to the calendar image, the date region including therein a representation of a calendar date that changes as the selection indicator is moved from date to date within the calendar image

In an analogous art, Moon discloses a calendar graphical user interface comprising:

- a date region separate from and adjacent to the calendar image (date region 84 [Figs 5-7]), the date region including therein a representation of a calendar date that changes as the selection indicator is moved from date to date within the calendar image (the date region 84 indicates the selected date [Figs 5-7]).

It would have been obvious to one of ordinary skill in the art to combine the calendar GUI of Lemmons in view of Chelius with the teaching of Moon's calendar GUI for the purpose of indicating the selected date to the user in a text format, thus allowing the user to easily read the selected date without referring to the calendar image.

7. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (US 2004/0216160) in view of Chelius (US 4720123), further in view of Brown (US 4216596).

Regarding claim 36, depending on claim 30, Lemmons further discloses that "certain dates within the calendar image" are blank thereby "highlighting other dates within the calendar image" (dates outside of the selected month are blank [Fig 8]).

Lemmons does not further specifically disclose that the dates are blanked using a mask overlay.

Brown discloses that it is well known to use a mask to blank calendar days (covering up the days beyond the days of the current month [col. 2, l. 16-23]).

Therefore it would have been obvious to one of ordinary skill in the art to modify the calendar of Lemmons in view of Chelius with the teaching of Brown's calendar because the method of using a mask to overlay certain dates in order to highlight other dates was well known to produce the predictable result of blanking certain dates.

8. Claims 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (US 2004/0216160) in view of Chelius (US 4720123), further in view of the Canada Population Density map.

Regarding claim 38, Lemmons in view of Chelius does not further specifically disclose:

- wherein the program indicators appear in different shades to indicate different concentrations of media programs

The Population Density Map shows that it was well known to use different shades to represent different densities or concentrations on a map (different shades for Persons per Square Kilometer on the legend).

It would have been obvious to one of ordinary skill in the art to modify the calendar of Lemmons in view of Chelius, which functions as a visual map of program listings, with the teaching of the Population Density maps because of the well known method of using different shades to represent to the user different densities for different areas of a visual map, for the predictable result of quickly indicating to the user the density associated with a certain portion of a map.

Claim 39 is rejected in view of the claim 38 rejection wherein the Population Density Map also uses different colors to represent different densities (e.g. 10-24.9 legend color is green, 200-399.9 section is red [see PTO-892 for web address of color version])

9. Claims 40-41, 43-45, 47, 51-52, 54-56, 58, 62-63, 65-67, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (US 2004/0216160) in view of Boyer (US 2006/0253869).

Regarding claim 40, Lemmons discloses an electronic program guide receiving system that receives and generates a display of television content and program guide data, the system comprising:

- a receiver for receiving the program guide data and the television content (set top boxes 70 [Fig 1]);
- a memory for storing the received program guide data (memory 76 [Fig 2] loaded with program schedule information [0044]); and
- a display generator for generating a first display screen based on the received program guide data (e.g. listings [Fig 7] or calendar [Fig 8]),
- a listing of media program representations ([Fig 7]) and a calendar image separate from the listing of media program representations ([Fig 8]), the calendar image including a plurality of dates and a selection indicator (selection cursor [0092]), the selection indicator movable within the calendar image, the selection indicator for selecting one of the plurality of dates on the calendar image (selection cursor is moveable to select dates [0092]) and a time (selecting a part of the day [0092]), the listing of media program representations representing media programs that are being broadcast on the selected date and time ([0088]);
- wherein the selection indicator is movable within dates on the calendar image to select a particular time (the times are logically "within" dates because they are used to further refine a "day to view" selection [0088])

Lemmons does not further disclose that the listings and the calendar are on the same screen.

In an analogous art, Boyer discloses an EPG containing a calendar image as well as a separate listing of media program representations on a single screen ("select day to view" and "select time of day" portions next to listings [Fig 18]).

It would have been obvious to one of ordinary skill in the art to combine the listings display and the "Day to View" screen disclosed by Lemmons (e.g. Figs 7 and 8) onto one screen as taught by Boyer for the purpose of showing the two screens in a more condensed form, without requiring the user to change between them.

Regarding claim 51, Lemmons discloses a method of receiving electronic program guide data and television content, the method comprising:

- receiving electronic program guide data (program schedule information from a headend [Abstract]);
- storing the received program guide data (loading the memory [0044 last sentence]); and
- generating a first display screen based on the stored program guide data (e.g. listings or calendar [Figs 7, 8]), [...] a listing of media program representations (e.g. Fig 7) and a calendar image separate from the listing of media program representations (calendar [Fig 8]), the calendar image including a plurality of dates and a selection indicator (selection cursor [0092]), the selection indicator movable within the calendar image, the selection indicator for selecting one of the plurality of dates on the

calendar image (selection cursor is moveable to select dates [0092]) and movable within dates on the calendar image to select a particular time (the times are logically "within" dates because they are used to further refine a "day to view" selection [0088]), the listing of media program representations representing media programs that are being broadcast on the selected date and time (selected date and time are used to filter listings [0096])

Lemmons does not further disclose that the listings and the calendar are on the same screen.

In an analogous art, Boyer discloses an EPG containing a calendar image as well as a separate listing of media program representations on a single screen ("select day to view" and "select time of day" portions next to listings [Fig 18]).

It would have been obvious to one of ordinary skill in the art to combine the listings display and the "Day to View" screen disclosed by Lemmons (e.g. Figs 7 and 8) onto one screen as taught by Boyer for the purpose of showing the two screens in a more condensed form, without requiring the user to change between them.

Regarding claim 62, Lemmons discloses a system for transmitting and receiving electronic program guide data and television audio and video signals, the system comprising:

- a combiner for combining the program guide data and the television audio and video signals into an output data stream (program schedule information is combined with television program signals [0042]);
- a transmitter for broadcasting the output data stream (set top computer transmits via cable network 68 [Fig 1] [0041]);
- a plurality of receivers (set top boxes 70 [Fig 1]), each receiver receiving the output data stream, identifying the program guide data from the output data stream, and storing the identified program guide data (loading the memory [0044 last sentence]); and
- display means for generating a first display screen based on the stored program guide data(e.g. listings or calendar [Figs 7, 8]), [...] a listing of media program representations (e.g. Fig 7) and a calendar image separate from the listing of media program representations (calendar [Fig 8]), the calendar image including plurality of dates and a selection indicator (selection cursor [0092]), the selection indicator movable within the calendar image for selecting one of the plurality of dates on the calendar image (selection cursor is moveable to select dates [0092]) and movable within dates on the calendar image to select a particular time (the times are logically "within" dates because they are used to further refine a "day to view" selection [0088]), the listing of media program representations resending media programs that are being broadcast on the

selected date and time (selected date and time are used to filter listings [0096]).

Lemmons does not further disclose that the listings and the calendar are on the same screen.

In an analogous art, Boyer discloses an EPG containing a calendar image as well as a separate listing of media program representations on a single screen ("select day to view" and "select time of day" portions next to listings [Fig 18]).

It would have been obvious to one of ordinary skill in the art to combine the listings display and the "Day to View" screen disclosed by Lemmons (e.g. Figs 7 and 8) onto one screen as taught by Boyer for the purpose of showing the two screens in a more condensed form, without requiring the user to change between them.

Regarding claims 41, 52, and 63, depending respectively on claims 40, 51, and 62, Lemmons further discloses:

- wherein the calendar image includes dates for an entire month ([Fig 8])

Regarding claims 43, 54, and 65, depending respectively on claims 40, 51, and 62, Lemmons further discloses:

- a time region separate from and adjacent to the calendar image (time region 304 [Fig 8]), the time region including therein a representation of a time of day that changes as the selection indicator is moved upward and

downward within a particular date on the calendar image (the up and down button is used to move between the time regions [0095])

Regarding claims 44, 55, and 66, depending respectively on claims 40, 51, and 62, Lemmons further discloses:

- further comprising a title region separate from and adjacent to the calendar image, the title region including therein a title or categorical description of the listing of media program representations (categories e.g. "Morning" "Mid-Day" etc [Fig 8] are categories of listings [0094]), the title or categorical description changing when the selection indicator is moved from the current date and time within the calendar image (moving the current time changes the time category [0095])

Regarding claims 47, 58, and 69, depending respectively on claims 40, 51, and 62, Lemmons in view of Boyer does not further disclose:

- wherein the calendar image is expandable by user command

Official Notice is taken that the method of resizing images by user command for a graphical user interface was well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art to make an image such as the calendar image of Lemmons in view of Chelius resizable and thus expandable for the purpose of providing to the user the ability to resize or expand an image as needed.

Regarding claims 45, 56, and 67, depending respectively on claims 40, 51, and 62, Lemmons further discloses:

- a data range indicator that provides an indication on the calendar image of the dates for which program guide information is available (heavy borders indicate a memory contains program schedule information [0091])

10. Claims 42, 53, 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (US 2004/0216160) in view of Boyer (US 2006/0253869), further in view of Moon (US 6064975).

Regarding claims 42, 53, and 64, depending respectively on claims 40, 51, and 62, Lemmons in view of Boyer does not further disclose:

- a date region separate from and adjacent to the calendar image, the date region including therein a representation of a calendar date that changes as the selection indicator is moved from date to date within the calendar image

In an analogous art, Moon discloses a calendar graphical user interface comprising:

- a date region separate from and adjacent to the calendar image (date region 84 [Figs 5-7]), the date region including therein a representation of a calendar date that changes as the selection indicator is moved from date

to date within the calendar image (the date region 84 indicates the selected date [Figs 5-7]).

It would have been obvious to one of ordinary skill in the art to combine the calendar GUI of Lemmons in view of Boyer with the teaching of Moon's calendar GUI for the purpose of indicating the selected date to the user in a text format, thus allowing the user to easily read the selected date without referring to the calendar image.

11. Claims 46, 57, 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (US 2004/0216160) in view of Boyer (US 2006/0253869), further in view of Brown (US 4216596).

Regarding claims 46, 57, and 68, depending respectively on claims 40, 51, and 62, Lemmons further discloses that "certain dates within the calendar image" are blank thereby "highlighting other dates within the calendar image" (dates outside of the selected month are blank [Fig 8]).

Lemmons does not further specifically disclose that the dates are blanked using a mask overlay.

Brown discloses that it is well known to use a mask to blank calendar days (covering up the days beyond the days of the current month [col. 2, l. 16-23]).

Therefore it would have been obvious to one of ordinary skill in the art to modify the calendar of Lemmons in view of Boyer with the teaching of Brown's

calendar because the method of using a mask to overlay certain dates in order to highlight other dates was well known to produce the predictable result of blanking certain dates.

12. Claim 47, 58, 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (US 2004/0216160) in view of Boyer (US 2006/0253869), further in view of Official Notice.

13. Claims 48-49, 59-60, 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (US 2004/0216160) in view of Boyer (US 2006/0253869), further in view of the Population Density maps.

Regarding claims 48, 59, and 70, depending respectively on claims 40, 51, and 62, Lemmons in view of Boyer does not further specifically disclose:

- wherein the program indicators appear in different shades to indicate different concentrations of media programs

The Population Density Map shows that it was well known to use different shades to represent different densities or concentrations on a map (different shades for Persons per Square Kilometer on the legend).

It would have been obvious to one of ordinary skill in the art to modify the calendar of Lemmons in view of Boyer, which functions as a visual map of program listings, with the teaching of the Population Density maps because of

the well known method of using different shades to represent to the user different densities for different areas of a visual map, for the predictable result of quickly indicating to the user the density associated with a certain portion of a map.

Claims 49, 60, and 71, depending respectively on claims 40, 51, and 62, are rejected in view of the claim 48, 59, and 70 rejections wherein the Population Density Map also uses different colors to represent different densities (e.g. 10-24.9 legend color is green, 200-399.9 section is red [see PTO-892 for web address of the map in color])

14. Claims 50, 61, 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (US 2004/0216160) in view of Boyer (US 2006/0253869), further in view of Chelius (US 4720123)

Regarding claims 50, 61, and 72, depending respectively on claims 40, 51, and 62, Lemmons in view of Boyer further discloses:

- the listing of media program representations represent a first set of media programs (e.g. listings page [Lemmons Fig 7]; and
Lemmons in view of Boyer does not further disclose:
- the calendar image further includes a plurality of program indicators, each program indicator being overlaid on one or more of the plurality of dates,

thereby providing an indication of the dates on which the first set of media programs will be broadcast

Chelius discloses a calendar containing "a plurality of [...] indicators" that "provide an indication of the dates" associated with a listings (highlight 58 which indicates a date from listings section 56 [Fig 3]. Only one indicator is shown but the section heading "Extremely Important Dates" implies that multiple dates may be listed and indicated)

One of ordinary skill in the art would have been able to modify Lemmon's calendar to provide listings indicators as taught by Chelius for the purpose of indicating dates contained in a listings, thus allowing a user to easily correlate a listing date with a particular date on a calendar image.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvaldstad whose telephone number is (571)270-3431. The examiner can normally be reached on M-Th 8-6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on (571) 272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BI
01/07/2008

/Hai Tran/
Supervisory Patent Examiner, Art Unit 4178